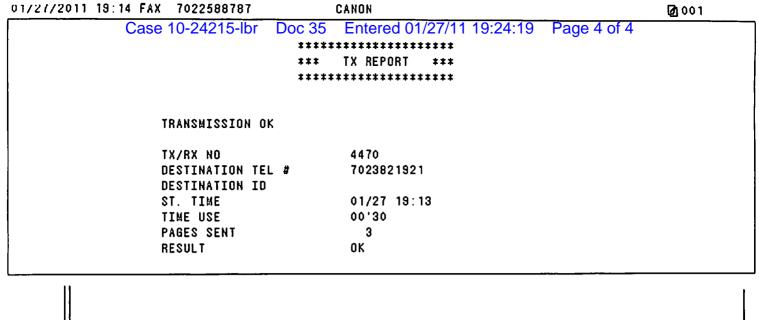
1 2 3	WILDE & ASSOCIATES Gregory L. Wilde, Esq. Nevada Bar No. 004417 212 South Jones Boulevard Las Vegas, Nevada 89107 Telephone: 702 258-8200	
5	bk@wildelaw.com Fax: 702 258-8787	
6	Attorneys for Wells Fargo Bank 09-72944	
7		
8	UNITED STATES BANKRUPTCY COURT DISTRICT OF NEVADA	
9	DISTRICT OF NEVADA	
10	In Re: DAVID RAMIREZ-LOPEZ and	Case No. 10-24215 LBR
11	MARGARITA RAMIREZ	Date: February 3, 2011
12		Time: 1:30 p.m.
13	Debtors.	Chapter 13
14		
15	OBJECTION TO CONFIRMATION	
16	COMES NOW, WELLS FARGO BANK (hereinafter "Secured Creditor") and files this	
17	OBJECTION TO CONFIRMATION stating as follows:	
18	Secured Creditor is the first deed of trust holder on 3501 Purdue Way, Las Vegas, Nevada	
19	(hereinafter "subject property"), and is owed over \$60,000.00 as listed in Debtors' schedule "A".	
20	The docket states that the Debtors recently obtained an order valuing the subject property at	
21	\$35,000. (#31).	
22	The Debtors can not confirm a plan in their current financial situation and without making a	
23	proper and timely disclosure to the Court and creditors of the same.	
24	The Court should consider;	
25	,	
26		

26

- a. The Debtors have been in bankruptcy for six (6) months without confirming a plan and the have benefited from the use of cash collateroll in the form of rents from the subject property.
- b. Their schedule "G" does not list any leases of the rental property they own.
- c. Their schedule "J" does not provide for the taxes, insurance, or maintenance expenses of the rental property.
- d. Schedule "J" shows only an net income of \$380.00 per month yet the proposed plan payments jump to \$520 in August 2011.
- e. The escalated payments are prohibited by 11 USC 1325(a)(5)(B)(iii)(I) in that they are not "equal monthly payemnts." See also <u>In re Nichols</u>, 40 F.3d 850 (6th Cir.), <u>In re Schultz</u>, 363 B.R. 902, 906 (Bankr. E.D.Wis. 2007).
- f. The Debtors can not substantiate the increase in income for August 2011.

g. The proposed plan #1 does not provide for any treatment of this Secured Creditor's claim. 1 Even assuming that the claim were allowed at \$35,000, this Debtor's net income of \$380 per 2 month is not enough to pay the entire \$35,000 through the plan over a sixty month period. 3 This lack of feasibility becomes even more apparent if the Debtors were to try and add in 4 the necessary costs of insurance, maintenance, and property taxes. 5 WHEREFORE, Secured Creditor asks that this Court deny confirmation and dismiss the 6 7 case. DATED this 27 day of January, 2011. 8 9 **WILDE & ASSOCIATES** 10 By /S/GREGORY L. WILDE 11 GREGORY L. WILDE, ESQ. Attorneys for Secured Creditor 12 13 14 Certificate of Facsimile 15 I certify that on January 27, 2011, I served a copy of the foregoing opposition on Debtors' 16 Counsel by facsimile as follows: 17 David M. Crosby **CROSBY & ASSOCIATES** 18 Fax No. 702-382-1921 19 20 21 22 23 24 25 26



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Electronically Filed on Java. 27, 2011
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